

TITLE 32.—NATIONAL GUARD

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Chapter 1.—COMPOSITION, ORGANIZATION, AND CONTROL GENERALLY.

Sec.

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Section 1. Composition and classes of militia.—The militia of the United States shall consist of all able-bodied male citizens of the United States and all other able-bodied males who have or shall have declared their intention to become citizens of the United States, who shall be more than eighteen years of age and, except as hereinafter provided, not more than forty-five years of age, and said militia shall be divided into three classes, the National Guard, the Naval Militia, and the Unorganized Militia. (June 3, 1916, c. 134, § 57, 39 Stat. 197.)

2. Militia exclusively a land force.—The provisions of this title in respect to the militia shall be applicable only to militia organized as a land force. (June 3, 1916, c. 134, § 117, 39 Stat. 212.)

3. Exemptions from militia duty.—The Vice President of the United States; the officers, judicial and executive, of the Government of the United States and of the several States and Territories; persons in the military or naval service of the United States; customhouse clerks; persons employed by the United States in the transmission of the mail; artificers and workmen employed in the armories, arsenals, and navy yards of the United States; pilots; mariners actually employed in the sea service of any citizen or merchant within the United States, shall be exempt from militia duty without regard to age, and all persons who because of religious belief shall claim exemption from military service, if the conscientious holding of such belief by such person shall be established under such regulations as the President shall prescribe, shall be exempted from militia service in a combatant capacity; but no person so exempted shall be exempt from militia service in any capacity that the President shall declare to be noncombatant. (June 3, 1916, c. 134, § 59, 39 Stat. 197.)

4. Composition of National Guard.—The National Guard shall consist of regularly enlisted men who upon original enlistment shall be not less than eighteen nor more than forty-five years of age, or who in subsequent enlistments shall not be more than sixty-four years of age, organized, armed, and equipped as hereinafter provided, and of commissioned officers

and warrant officers between the ages of twenty-one and sixty-four years; *Provided*, That in cases of appointments of warrant officers or enlistments made in accordance with National Guard regulations, no payments heretofore made to such warrant officers and enlisted men for participating in exercises or performing the duties described in sections 62, 63, 64, and 65 of this title, or any bona fide claim therefor, shall be held or considered invalid because such warrant officer or enlisted man was of an age greater than forty-five years at the time of his appointment or enlistment or at the time of the performance of such duties. (June 3, 1916, c. 134, § 58, 39 Stat. 197; Feb. 28, 1925, c. 371, § 1, 43 Stat. 1075.)

5. Organization of tactical units.—Except as otherwise specifically provided herein, the organization of the National Guard, including the composition of all units thereof, shall be the same as that which is or may hereafter be prescribed for the Regular Army, subject in time of peace to such general exceptions as may be authorized by the Secretary of War. And the President may prescribe the particular unit or units, as to branch or arm of service, to be maintained in each State, Territory, or the District of Columbia in order to secure a force which, when combined, shall form complete higher tactical units. The National Guard of any State, Territory, and the District of Columbia may include such detachments or parts of units as may be necessary in order to form complete tactical units when combined with troops of other States. (June 4, 1920, c. 227, subchapter I, § 36, 41 Stat. 780.)

6. Location of units and headquarters.—The States and Territories shall have the right to determine and fix the location of the units and headquarters of the National Guard within their respective borders. (June 3, 1916, c. 134, § 68, 39 Stat. 200.)

7. Location and designation of units comprised entirely within State or Territory.—Subject to general regulations approved by the Secretary of War, the location and designation of units of the National Guard entirely comprised within the limits of any State or Territory shall be determined by a board, a majority of whom shall be reserve officers, including reserve officers who hold or have held commissions in the National Guard and recommended for this duty by the governor of the State or Territory concerned. (June 4, 1920, c. 227, subchapter 1, § 3, 41 Stat. 760.)

8. Assignment of National Guard to divisions, brigades, etc.; commanding officers.—For the purpose of maintaining appropriate organization and to assist in instruction and training, the President may assign the National Guard of the several States and Territories and the District of Columbia to divisions, brigades, and other tactical units, and may detail officers either from the National Guard or the Regular Army to command such units; *Provided*, That where complete units are organized within a State, Territory, or the District of Columbia the commanding officers thereof shall not be displaced under the provisions of this section. (June 3, 1916, c. 134, § 64, 39 Stat. 198.)

9. Authorized officers and men of staff corps and departments.—The National Guard of any State, Territory, or the District of Columbia shall include such officers and enlisted

men of the staff corps and departments, corresponding to those of the Regular Army, as may be authorized by the Secretary of War. (July 9, 1918, c. 113, 40 Stat. 875.)

10. **Chiefs of staff of divisions.**—The President may detail one officer of the Regular Army as chief of staff and one officer of the Regular Army or the National Guard as assistant to the chief of staff of any division of the National Guard in the service of the United States as a National Guard organization: *Provided*, That, in order to insure the prompt mobilization of the National Guard in time of war or other emergency, the President may, in time of peace, detail an officer of the Regular Army to perform the duties of chief of staff for each fully organized tactical division of the National Guard. (June 3, 1916, c. 134, § 65, 39 Stat. 199.)

11. **Adjutant general for each State, Territory, and District of Columbia.**—There shall be appointed in each State, Territory, and the District of Columbia an adjutant general, who shall perform such duties as may be prescribed by the laws of such State, Territory, and District, respectively. (Jan. 21, 1903, c. 190, § 12, 32 Stat. 776.)

12. **Appointment of adjutant generals for Territories and District of Columbia.**—The adjutant generals of the Territories and of the District of Columbia shall be appointed by the President with such rank and qualifications as he may prescribe, and each adjutant general for a Territory shall be a citizen of the Territory for which he is appointed. (June 3, 1916, c. 134, § 66, 39 Stat. 199.)

13. **Annual reports by adjutant generals of States, etc.**—The adjutant generals of the States, Territories, and the District of Columbia and the officers of the National Guard shall make such returns and reports to the Secretary of War, or to such officers as he may designate, at such times and in such form as the Secretary of War may from time to time prescribe. (June 3, 1916, c. 134, § 66, 39 Stat. 199.)

14. **Annual report of Secretary of War to contain abstract of reports of adjutant generals.**—The Secretary of War shall, with his annual report of each year, transmit to Congress an abstract of the returns and reports of the adjutant generals of the States, Territories, and the District of Columbia, with such observations thereon as he may deem necessary for the information of Congress. (Jan. 21, 1903, c. 190, § 12, 32 Stat. 776.)

15. **Inspections of National Guard.**—The Secretary of War shall cause an inspection to be made at least once each year by Inspector generals, and if necessary by other officers, of the Regular Army, detailed by him for that purpose, to determine whether the amount and condition of the property in the hands of the National Guard is satisfactory; whether the National Guard is organized as hereinbefore prescribed; whether the officers and enlisted men possess the physical and other qualifications prescribed; whether the organization and the officers and enlisted men thereof are sufficiently armed, uniformed, equipped, and being trained and instructed for active duty in the field or coast defense, and whether the records are being kept in accordance with the requirements of this title. The reports of such inspections shall serve as the basis for deciding as to the issue to and retention by the National Guard of the military property provided for by this title, and for determining what organizations and individuals shall be considered as constituting parts of the National Guard within the meaning of this title. (June 3, 1916, c. 134, § 93, 39 Stat. 200.)

16. **Disbanding or reduction of strength.**—No organization of the National Guard, members of which shall be entitled to and shall have received compensation under the provisions of this title, shall be disbanded without the consent of the President, nor, without such consent, shall the commissioned or enlisted strength of any such organization be reduced below the

minimum that shall be prescribed therefor by the President. (June 3, 1916, c. 134, § 68, 39 Stat. 200.)

Chapter 2.—FUNDS FOR SUPPORT OF NATIONAL GUARD.

Sec.

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- 22. Apportionment and disbursement of appropriation.
- 23. Proceeds of sale of disused target ranges
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- 25. Annual estimates of expenses.
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Section 21. Annual appropriation.—A sum of money shall be appropriated annually, to be paid out of any money in the Treasury not otherwise appropriated, for the support of the National Guard, including the expense of providing arms, ordnance stores, quartermaster stores, and camp equipage, and all other military supplies for issue to the National Guard, and such other expenses pertaining to said guard as are or may be authorized by law. (June 3, 1916, c. 134, § 67, 39 Stat. 199.)

22. Apportionment and disbursement of appropriation.—The appropriation provided for in section 21 of this title shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section 19 of Title 37, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard, and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are or may be authorized by law. (Sept. 22, 1922, c. 423, § 3, 42 Stat. 1031.)

23. Proceeds of sale of disused target ranges.—When any land acquired by purchase for a target range for the use of the National Guard of any State, Territory, or the District of Columbia shall have become useless or shall be found to be unavailable for such purpose the Secretary of War may cause the same to be sold either in whole or in two or more parts as he may deem best for the interests of the United States. In the disposal of such property, the Secretary of War shall cause the same to be appraised either as a whole or in two or more tracts, having due reference to the requirements of any permanent improvements made thereon; and he shall cause the property to be offered at public or private sale at not less